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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/923,138	09/04/1997	RAJU KUCHERLAPATI	CELL-4.8	2306

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WEHBE, ANNE MARIE SABRINA

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

1632

DATE MAILED: 10/22/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
08/923,138

Applicant(s)

Kucherlapati

Examiner

Anne Marie Wehbé

Art Unit

1632



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jul 18, 2002

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 2-47 is/are pending in the application.

4a) Of the above, claim(s) 4-45 is/are withdrawn from consideration.

5)  Claim(s) 2, 3, 46, and 47 is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6)  Other: \_\_\_\_\_

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### **DETAILED ACTION**

Applicant's amendment received on 7/26/021 has been entered. Claims 2-47 are pending in the instant application. This application contains claims 4-45 drawn to an invention nonelected with traverse in Paper No. 11. A complete reply to the final rejection **must** include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01. Claims 2-3 and 46-47 are currently under examination in the instant application. An action on the merits follows.

The text of those sections of Title 35, US code, not included in this action, can be found in previous office actions.

#### ***Specification***

The objection to the specification for the improper incorporation of essential material in the specification by reference to a PCT application WO 94/02602 is withdrawn in view of applicant's amendments to the specification which adds the material essential for applicant's invention, and in view of applicant's declaration which states that the material added by amendment is the same material incorporated by reference at page 1, lines 12-13 of the instant application as filed.

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The objection to the amendment filed 6/25/01 under 35 U.S.C. 132 because it introduces new matter into the disclosure is withdrawn in view of applicant's amendments to the specification.

Applicant's amendment to the specification, received on 7/18/02 has necessitated the following **new objection**.

The specification is **newly** objected to for failing to comply with 37 CFR 1.74, see MPEP 608.01(f). 37 CFR 1.74 states that the specification must contain a brief description of each drawing in the specification. Applicant's amendment added a new drawing labeled Figure 20. The specification does not include a brief description of Figure 20.

***Claim Rejections - 35 USC § 112***

The rejection of claims 2-3 and 46-47 under 35 U.S.C. 112, first paragraph, for lack of enablement, is withdrawn in view of applicant's amendments to the claims.

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The rejection of claims 2-3 and 46-47 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is withdrawn in view of applicant's amendments to the claims.

Claims 2-3 and 46-47 are considered allowable over the prior art of record at this time.

Applicant's amendment necessitated the new ground(s) of objection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication from the examiner should be directed to Anne Marie S. Wehbé, Ph.D., whose telephone number is (703) 306-9156. The examiner can be

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reached Mon-Thurs and every other Friday from 9:30-7:00. If the examiner is not available, the examiner's supervisor, Deborah Reynolds, can be reached at (703) 305-4051. General inquiries should be directed to the group receptionist whose phone number is (703) 308-0196. The technology center fax number is (703) 308-4242, the examiner's direct fax number is (703) 746-7024.

Dr. A.M.S. Wehbé

**ANNE M. WEHBE' PH.D  
PRIMARY EXAMINER**

*Anne M. Wehbé*